

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 5, 2005

The following cases are submitted this date:

H028884 PEOPLE v. CORONA

H028978 SAN BENITO HEALTH & HUMAN SERVICES AGENCY v. ADRIANA C.

H028524 SCOTT v. GUTIERREZ, et al.

The judgment of dismissal of Gutierrez, Stevenson, and Mantel is affirmed. The appeal of the order denying Scott's request to enter Grannis's default is dismissed. (not published) (McAdams, J.; We concur: Rushing, P.J., Mihara, J.)

Filed December 5, 2005

H026954 BUDGET RENT A CAR CORPORATION v. JOHN R. WILLIAMS

The judgment is affirmed. (not published) (Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 5, 2005

H028610 IN RE MILA F., et al; DFCS v. MICHAEL F.

The order terminating parental rights is conditionally reversed, and the matter is remanded to the juvenile court with directions that the Department of Family and Children's Services provide proper notice to all three Cherokee tribes and the Bureau of Indian Affairs. The Department is directed to file proof of receipt of such notice by the tribes and the Bureau of Indian Affairs, along with a copy of the notice and any responses. If, after receiving notice as required by the ICWA, no response indicates that Mila and Mason are Indian children, or the responses received indicate that they are not Indian children within the meaning of the ICWA, the order terminating parental rights shall be immediately reinstated. If any tribe determines that Mila and Mason are Indian children within the meaning of the ICWA, the juvenile court shall conduct further proceedings applying the provisions of the ICWA, Welfare and Institutions Code section 360.6, and rule 1439 of the California Rules of Court. (not published)

(Elia, J.; We concur: Premo, Acting P.J., Bamattre-Manoukian, J.)

Filed December 5, 2005

H028364 PEOPLE v. BAUER

H028986 BAUER on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied. (not published)

(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)

Filed December 5, 2005

Sixth Appellate District

San Jose, California

Monday, December 5, 2005 (continued)

H024481 BOGHOS v. LLOYD'S OF LONDON, et al.

In conformity to the decision of the Supreme Court, the judgment is reversed and the matter remanded to the trial court for further proceedings consistent with that decision, including but not necessarily limited to addressing in the first instance the questions there identified as remaining to be decided.

(Rushing, P.J., Premo, J., and Elia, J., participated in this decision.)

Dated December 5, 2005

RUSHING, P. J.

TUESDAY, DECEMBER 6, 2005

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and S. Nasson, Deputy Clerk.

H027919 PEOPLE v. JEFFERSON

Cause called and argued by Lori Quick appearing for Appellant and by Christina Vom Saal, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H027934 PEOPLE v. GARCIA

Cause called and argued by Dallas Sacher appearing for Appellant and by John Vance, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H028663 FUJI v. IMMECOR CORPORATION, et al.

Cause called and argued by Joel Waelty appearing for Appellant and by Kevin Woodall appearing for Respondents. Cause ordered submitted.

H027670 AUTHORITY FOR CALIFORNIA CITIES EXCESS LIABILITY v. CITY OF LOS ALTOS

Cause called and argued by Daniel Barer appearing for Appellant and by Mark Davis appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

H028002 SOLARTE v. WASHINGTON MUTUAL BANK et al.

For the foregoing reasons, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Duffy, J.)

Filed December 6, 2005

Sixth Appellate District

San Jose, California

Tuesday, December 6, 2005 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.
Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; McAdams, J.; and Jane Valdez Flor, Deputy Clerk.

H027871 CHEN, et al. v. LEE, et al.

Cause called and argued by Theodore R. Chavez appearing for Appellants and by Dennis W. Smith appearing for Respondents.
Cause ordered submitted.

H028274 GUR v. GUR

Cause called and argued by Robert A. Roth appearing for Appellant and by Hugh T. Thomson appearing for Respondent. Cause ordered submitted.

H027943 DAVIS v. STEINER, as Executor, etc.

Cause called and argued by Carl A. Sundholm appearing for Appellant and by Michael Patiky Miller appearing for Respondent.
Cause ordered submitted.

H026651 COUNTY OF SANTA CLARA, et al. v. ATLANTIC RICHFIELD COMPANY, et al.

Cause called and argued by Bruce L. Simon and Kathryn Zoglin, Deputy County Counsel, appearing for Appellants and by Philip H. Curtis and Elwood Lui appearing for Respondents. Cause ordered submitted. Court is adjourned.

H028013 BAKER, JR. v. CORRECTIONAL OFFICER COHEN et al.

The judgment of dismissal is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Duffy, J.)
Filed December 6, 2005

H028731 PEOPLE v. CUELLAR

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., Duffy, J.)
Filed December 6, 2005

H028305 PEOPLE v. CHICAS-CAMPOS

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 6, 2005

Sixth Appellate District

San Jose, California

Tuesday, December 6, 2005 (continued)

The following cases are submitted this date:

H028438 PEOPLE v. KEO
H027897 PEOPLE v. RUIZ
H028830 VERNON v. MCBURNEY
H028000 PEOPLE v. MARTINEZ
H028268 PEOPLE v. GUARDINO
H028773 PEOPLE v. MOHAMUD
H028013 BAKER, JR. v. CORRECTIONAL OFFICER COHEN, et al.
H028024 PEOPLE v. BALLARD
H028560 PEOPLE v. JURADO
H028776 PEOPLE v. AGUDA
H028905 PEOPLE v. SIEGRIED
H028969 PEOPLE v. PEREZ
H028360 PEOPLE v. DEDMON
H028134 PEOPLE v. QUIROZ
H029012 PEOPLE v. POWELL
H028567 PEOPLE v. MORENO
H029027 PEOPLE v. LARA
H028363 PEOPLE v. BLACK
H028914 PEOPLE v. VASQUEZ

H026552 PEOPLE v. RUEZGA

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 6, 2005

H027452 PEOPLE v. CONTRERAS

The trial court is directed to modify the judgment by staying execution of sentence on counts 1, 2, 3, 12, and 13, and to prepare a modified abstract of judgment reflecting that modification.

The order for victim restitution is vacated as to Mitsubishi Motors and General Motors Assurance Corp. and the matter is remanded for reconsideration of the correct amount of restitution to be allowed to them.

In all other respects the judgment is affirmed. (not published)

(Rushing, P.J.; I concur: McAdams, J.; I concur in the judgment only: Mihara, J.)
Filed December 6, 2005

Sixth Appellate District

San Jose, California

Tuesday, December 6, 2005 (continued)

H027200 SFERS REAL ESTATE CORP. v. IMPRESS 2000, INC.

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 6, 2005

WEDNESDAY, DECEMBER 7, 2005

H027972 PEOPLE v. BURGESS

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)
Filed December 7, 2005

THURSDAY, DECEMBER 8, 2005

H028706 PEOPLE v. PEREZ

The judgment is affirmed. (not published)
(Elia, Acting P.J.; We concur: Bamattre-Manoukian, J., Duffy, J.)
Filed December 8, 2005

FRIDAY, DECEMBER 9, 2005

H027112 DONALDSON v. DEPARTMENT OF REAL ESTATE OF THE STATE OF CALIFORNIA

The judgment is reversed with directions to set aside the order denying licensee's petition for administrative mandamus and to (1) make a new order granting the petition, and (2) issue a peremptory writ directing the Department to set aside its order revoking petitioner's license and to reconsider the matter in light of the views here expressed. Costs to appellant.
(published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 9, 2005

H027476 FEITELBERG v. CREDIT SUISSE FIRST BOSTON, LLC., et al.

The judgment is affirmed. (published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed December 9, 2005

H028025 PEOPLE v. GONZALES

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 9, 2005

Sixth Appellate District

San Jose, California

Friday, December 9, 2005 (continued)

H028553 PEOPLE v. SOLORIO

The judgment is reversed, and the matter is remanded to allow defendant to withdraw his plea. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed December 9, 2005

H028327 HUDSON v. HAZARI

The court's order on Hazari's motion to set aside both the default and the default judgment is affirmed. Hazari shall have 15 days from the date the remittitur is filed in this court to file his answer in the trial court. (not published)
(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)
Filed December 9, 2005